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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 JAMES DURKIN,

10 Plaintiff,

11 v.

12 UNITED STATES OF AMERICA,

13 Defendant.
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Case No. 2:18-CV-1666-RSL

ORDER DENYING
PLAINTIFF'S MOTION FOR
JURY TRIAL

15 This matter comes before the Court on plaintiff's "Request for Jury Trial." Dkt. #9. On
16 June 18, 2018, plaintiff filed a Notice of Small Claim in King County District Court against
17 Michael Feikes, an employee of the Department of Homeland Security ("DHS"), based on an
18 administrative hearing that took place in December 2007. Dkt. #1-1 at 2. On November 16,
19 2018, the United States filed a notice of removal and substituted itself as the defendant. Dkt. #1.
20 On November 23, 2018, the United States filed a motion to dismiss for lack of subject matter
21 jurisdiction and failure to state a claim. See Fed. R. Civ. P. 12(b)(1), (6). The Court granted the
22 motion and dismissed the complaint. Dkt. #7; see Dkt. #8.

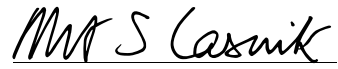
23 It is not clear what relief plaintiff is seeking in the document he has filed with the Court.
24 See generally Dkt. #9. Plaintiff appears to be reiterating his claim that he was treated unfairly by
25 individuals at Alaska Airlines, the Transportation Security Administration ("TSA") and DHS
26 because he is an atheist, id. at 1, although he also accuses some of them of anti-Semitism. Id. at
27 2. As the Court has already granted the United States' motion to dismiss, the Court presumes
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1 that plaintiff's filing is intended to be construed as a motion for reconsideration. Motions for
2 reconsideration are generally disfavored. LCR 7(h). The Court will "ordinarily deny such
3 motions in the absence of a showing of manifest error in the prior ruling or a showing of new
4 facts or legal authority which could not have been brought to its attention earlier with reasonable
5 diligence." *Id.* Plaintiff has not attempted to show any error in the prior ruling. Indeed, he does
6 not refer to it at all. See generally Dkt. #9.

7 Plaintiff also attaches several exhibits to his filing. Many of them are articles or emails
8 that appear to be directed toward substantiating his claim that Alaska Airlines discriminated
9 against him because of his atheism, although most do not even concern him. *Id.* at 4, 6–16, 19.
10 For example, one Alaska Airlines press release announces the appointment of Captain Burton as
11 the LAX Base Chief pilot, and notes, "He has been active in his community and Church, and has
12 led several teams ... to work on a Church construction project. *Id.* at 8. Apparently, plaintiff
13 believes that this establishes religious harassment. *Id.* at 26. There is a "Call for Service" report
14 regarding the incident at the airport in December 2006. *Id.* at 17. Two documents seem to be
15 intended to show that TSA "damaged [plaintiff's] credit rating." They are dated in 2016 and
16 2018. *Id.* at 2, 18, 20–21. There is also a single page from a report dated March 25, 2008,
17 regarding a mental status examination conducted on plaintiff. *Id.* at 5. Finally, plaintiff annexed
18 a list of "Discovery Items Amended," with no context, *id.* at 22, his "Pre-Charge Inquiry" with
19 the U.S. Equal Employment Opportunity Commission, *id.* at 23, a "Charge of Discrimination"
20 before the Washington State Human Rights Commission, *id.* at 24, and his original Notice of
21 Small Claim. *Id.* at 25–29. There is no attempt to show why these facts could not have been
22 brought to the Court's attention earlier. LCR 7(h). Regardless, to the extent the Court can
23 ascertain the purpose of these documents, they are of questionable relevance at best. There is
24 nothing before the Court that suggests that plaintiff should be permitted to proceed with his
25 action. He has not attempted to cure his failure to state a claim, see *Ashcroft v. Iqbal*, 556 U.S.
26 662, 678 (2009), or shown that he has exhausted his administrative remedies. See 28 U.S.C. §
27 2675; *McNeil v. United States*, 508 U.S. 106, 113 (1993).

1 For all the foregoing reasons, plaintiff's motion is DENIED.

2 DATED this 13th day of June, 2019.

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5 Robert S. Lasnik
6 United States District Judge
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